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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,563	08/06/2001	Chen-Hui Huang	BHT-3179-13	7069

7590 12/06/2001

DOUGHERTY & TROXELL  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

LOCKETT, KIMBERLY R

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/921,563

Applicant(s)

HUANG, CHEN-HUI

Examiner

Kim R. Lockett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-3 are objected to because of the following informalities: The claims must be in one sentence form only (claims 1-3). Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

#### **SPECIFICATION**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because page 3, line 5 recites the term "bubbled one-piece intensified soundproof layer", it is not clear what the applicant means by this phrase. Further explanation is required.

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Page 3, line 8 recites the term "PU", it is not clear what this term is defined as.  
It is not clear how the "thickness of the shell is reduced" as recited in claim 1.

### ***REGARDING THE CLAIMS***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are narrative in form and replete with indefinite and functional or operational language. The claims lack structural interconnections. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims are unclear, it is not understood if there is a preamble in the claim. Examples of the lack of structural interconnections between the elements, the narrative and indefinite claims are as follows:

Claim 1: "The intensified ribs and inlet components are installed inside the box", "The main feature is the bubbled one-piece.....", "The intensified soundproof layer improves .....at the same time."

Claim 2: "the sound box can be made in.....". "The intensified soundproof layer.....".

Furthermore, the following terms/phrases are not understood:

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Claim 1, "the performance..." . Does the applicant mean the performance of the sound box? It is not clear how the "thickness of the shell is reduced".

Claim 2: The term "PU" is unclear to the examiner and needs to be spelled out in the claims for clarity.

Claim 3: "wherein the location if the intensified soundproof layer varies as the rib's location changes"

Claim 4: "wherein the intensified soundproof layer is located between the bottom and two third of the shell".

The applicant is behooved to review all of the claims for such inconsistencies.

Note the format of the claims in the patent cited. Appropriate correction is required in response to this action.

5. Claims 1-3 recite various limitations that have a lack of antecedent basis in the claims. For example in claim 1: "The intensified ribs" should be recited "Intensified ribs"; "the bubbled....." should be recited "a bubbled", "the box" should be recited "a box", "the shell" should be recited "a shell".

**Please note the form of claims below:**

*>The claim or claims must commence on a separate sheet and should appear after the detailed description of the invention.< While there is no set statutory form for claims, the present Office practice is to **insist that each claim must be the object of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent)**. If, at the time of allowance, the quoted terminology is not present, it is inserted by the clerk. **Each claim begins with a capital letter and ends with a period.***

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***Periods may not be used elsewhere in the claims except for abbreviations. See***  
Fressola v. Manbeck, >36 USPQ2d 1211< (D.D.C. 1995). \*\* >Where a claim sets forth  
a plurality of elements or steps, each element or step of the claim should be separated  
by a line indentation, 37 CFR 1.75(I).<

Many of the difficulties encountered in the prosecution of patent applications  
after final rejection may be alleviated if each applicant includes, at the time of filing or no  
later than the first response, claims varying from the broadest to which he or she  
believes he or she is entitled to the most detailed that he or she is willing to accept.

Claims should preferably be arranged in order of scope so that the first claim  
presented is the \* >least restrictive<. >All dependent claims should be grouped together  
with the claim or claims to which they refer to the extent practicable.< Where separate  
species are claimed, the claims of like species should be grouped together where  
possible \*\* >.< Similarly, product and process claims should be separately grouped.  
Such arrangements are for the purpose of facilitating classification and examination.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public  
use or on sale in this country, more than one year prior to the date of application for patent in the United  
States.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Perrigo.

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As the invention is best understood by the examiner, Perrigo teaches the use of a compositely formed sound box(speaker 10) made of plastic (column 2, lines 58-60) with a one way opening (see figure 1), with ribs(111, & 211) an inlet (see figure 1), and a foamed soundproof layer (301).

Regarding claim 2, Perrigo teaches the use of a sound box that is trapezoid in shape (see figure 1) and a soundproof layer that is made of polyurethane (column 4, lines 1-5).

Regarding claims 3 and 4 as stated above the claims are replete with 35 USC 112 informalities, the examiner is unable to apply art at this time because it is unclear what the applicant is claiming.

#### **YOUR RESPONSE TO THIS OFFICE ACTION**

8. (a) After the Office action, if adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply thereto and may request reconsideration or further examination, with or without amendment.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must make request therefore in writing. The reply by the applicant or patent owner must distinctly and specifically point out the supposed errors in the examiner's action and must respond to every ground of objection and rejection in the prior Office action. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the

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claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the case to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

( c) In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections.

In all cases where response to a requirement is indicated as necessary to further consideration of the claims, or where allowable subject matter has been indicated in an application, a complete response must either comply with the formal requirements or specifically traverse each one not complied with.

Drawing and specification corrections, presentation of a new oath and the like are generally considered as formal matters. However, the line between formal matter and those touching the merits is not sharp, and the determination of the merits of a case may require that such corrections, new oath, etc., be insisted upon prior to any indication of allowable subject matter.

9. A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133



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Any inquiry of a general nature or relating to the status of this application or filing of papers should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24).

For assistance in Patent procedure, fees or general Patent questions calls should be directed to the Patents Assistance Center (PAC) whose telephone number is 800-786-9199. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

For requesting copies of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Lockett whose telephone number is (703) 308-3370. The examiner can normally be reached on Monday through Thursday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.



KIM LOCKETT  
PATENT EXAMINER  
ART UNIT 2837